

Welcome to the second edition of Police Family, Divorce4Police's quarterly newsletter providing police personnel with updates in the area of family law.

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Sean Bean: Fourth Marriage to end in Divorce

One of Britain's most talented and successful actors, unfortunately has not achieved the same level of success when it comes to his relationships. It has recently been announced by Sean Bean's lawyers that he and his fourth wife Georgina Sutcliffe are to divorce after only 2 years of marriage. The relationship has generally been reported to be rocky and police have been called on several occasions to the couple's £2 million Belsize Park home.

As this was Bean's fourth marriage and as he was the party with substantial wealth on entering the marriage, it certainly would have been sensible for him to have had a Pre-Nuptial agreement in place prior to the marriage taking place. In view of the fact that this was a short childless marriage it is likely that any Pre-Nup would be given significant weight by a Court, provided it was properly drawn up and executed between the parties.

If there is not a Pre-Nuptial agreement then it is likely that a Court would look at this as a short marriage case. In the recent case of MD v D, the Court made it very clear that after a short marriage the focus had to be on the parties needs, rather than on concepts of matrimonial property. Therefore, where one party to the marriage has brought the majority of assets into the marriage, then it is likely that a Court will award just enough to the

financially weaker party to meet their reasonable needs and nothing more.

Therefore, it is likely in this case that the Fourth Mrs Bean will receive enough money to provide herself with a reasonable home and some future security, but very little beyond that. In relation to Mr Bean himself, perhaps he will give quite careful consideration in the future to the possibility of a fifth marriage.

Disclosure in Ancillary Relief Proceedings

The recent case of Immerman, has laid down extensive new guidelines in relation to the admissibility of dubiously obtained evidence and it is thought that it will completely change the future nature of ancillary relief proceedings.

The Immerman judgment was handed down by the Court of Appeal on 29th July 2010. The basis of the case had been a conflict between one party's right to privacy and the other's right to ensure a just resolution of the ancillary relief proceedings and truthful disclosure. The case quite clearly stated that Hildebrand is not an authority for a spouse to take, copy and retain copies of confidential information that would otherwise be unlawful. The case also emphasised that the Court will not condone the use of illegal methods to obtain information, simply because there is a fear that the other spouse will behave unlawfully and fail to properly disclose.

The case however, is likely to give rise to much further legal debate, as it indicated that the censure will only apply to documents of a confidential nature. The Court went on to illustrate this point by stating that if a spouse leaves an opened bank statement lying around in a part of the house that is common to the family, then this document is likely to lose its confidentiality and be admissible. However, if said bank statement was kept in the spouse's private study, or more so, in a locked drawer in the private study, then its removal and use would be a breach of the other spouse's right to confidentiality. The debate in that regard will arise from differing attitudes towards what is actually confidential. The Court in Immerman recognised that a lack of frank disclosure of assets is a real problem in ancillary relief cases, but felt that condoning the use of illegal methods to obtain the information, was not the way forward.

A further difficulty with the case is that you can't erase someone's memory. Therefore, even if a spouse is no longer permitted to physically be in possession of the documentation, they can't be prevented from seeing it, reading it and absorbing it and as such, that information will still be part of their consciousness. Consequently, a further future issue that will arise from this case will be to what extent the Court will permit the recollection of the information that was unlawfully obtained, to be utilised to establish the other spouse's lack of disclosure.



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